

**U.S. House of Representatives Committee on Energy and Commerce**  
**Subcommittee on Energy**  
**May 3, 2017 Hearing: Legislation Addressing Pipeline and Hydropower**  
**Infrastructure Modernization**  
**Questions for the Record Submitted to Mr. Jeffrey Leahey**

**The Honorable Frank Pallone, Jr.**

**1. Mr. Leahey, in your written testimony, you stated that improvements could be made to the discussion draft of the SHORE Act. Would removing FERC's power of eminent domain protect private property rights? Do you recommend doing so?**

A: As stated in my written testimony, NHA has not taken a position on the bill, but recognizes that shoreline management is an important issue for both project owners and landowners adjacent to hydropower reservoirs or within project boundaries.

It appears to NHA that the bill is attempting to strike a balance between the lands needed or associated with a project for FERC-regulated recreational purposes, and those adjacent lands that may be held by private property owners. NHA does not believe the eminent domain authority under Section 21 of the Federal Power Act is a problem that the bill aims to address, nor is Section 21 implicated by the bill in any way. NHA would not recommend any change to the eminent domain provisions of the Federal Power Act.